

Executive Register

Proclamation

Whereas an instrument known as the "New Constitution of the State of Iowa" adopted by the constitutional convention of said State on the fifth day of March A.D. 1857 was submitted to the qualified electors of said State at the annual election held on Monday the third day of August 1857 for their approval or rejection.

And whereas an official canvass of the votes cast at said election shows that there were forty thousand three hundred and sixteen votes cast for the adoption of said Constitution and thirty eight thousand six hundred and eighty one votes were cast against its adoption, leaving a majority of sixteen hundred and thirty five votes in favor of its adoption.

Now therefore I James W. Grimes Governor of said State, by virtue of the authority conferred upon me hereby declare the said New Constitution to be adopted and declare it to be the supreme law of the State of Iowa.

I do testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa
at Iowa City this
third day of September A.D. 1857
of the Independence of the United States the Eighty second year of the State of Iowa the Eleventh

L. J.
By the Governor James W. Grimes.
High Seal Secretary of State.

Facsimile of the record of the proclamation putting into effect the Constitution of 1857, as it appears on page 394, Vol. I, Register of the Official Acts of the Governor of the State of Iowa. The original manuscript with signatures and official impression of the Great Seal of the State of Iowa is not in the Archives Division of the Historical Department, nor to be found in casual search in the office of the Secretary of State.

ANNALS OF IOWA

VOL. XIV, No. 3

DES MOINES, JANUARY, 1924

THIRD SERIES

THE CONSTITUTION OF IOWA IN FACSIMILE

BY EDGAR R. HARLAN

The ANNALS in the present issue seeks to fix the legibility of the Constitution of 1857 and amendments through reduced facsimile. It is a bound manuscript of forty pages, nine and one-half by fifteen inches in size, the script very large and on a scale with the pages. The paper is not uniform in its color, the yellow of age being more pronounced on some than on other sheets. The ink is becoming brown and in places the colors already contrast so little that with the best ray filter and finest lens, the photographic plate will not receive impressions. This condition, of course, will increase with time.

There is value in this reproduction to those interested in the mechanics of writing. The Constitution, adopted in 1857, was engrossed in longhand. The first five amendments, adopted in 1868, the sixth in 1880, and the seventh, eighth, ninth, and tenth in 1884, are all engrossed in longhand. But the eleventh and twelfth, adopted in 1904, the thirteenth in 1907, and the fourteenth in 1915, were engrossed in typewriting.

Intending to record the present state of this valuable document, we did nothing to increase its legibility. The text of the Constitution is in print in countless numbers. Its meaning has been litigated and judicially defined in almost its every word. But the exact appearance of our basic law is familiar to few.

This reproduction resulted from a remark of Hon. John M. Rankin, representative in the General Assembly from Lee County, in the Fortieth Extra session. Upon his inspection of the old document he said: "The youth of Iowa should be shown this instrument and taught a reverence for it. It is not too sacred to admit of reading and interpretation by any teacher in any school, whatever his culture, creed, or character. And it is too sacred not to be carried to the attention and into the intelligence of every one of the two and a quarter millions of us."

CONSTITUTION OF THE *State of Iowa*

WE, THE PEOPLE OF THE STATE OF IOWA grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government; by the name of the State of Iowa, the boundaries whereof shall be as follows:

Beginning in the middle of the main channel of the Mississippi River, at a point due East, of the middle of the mouth of the main channel of the Des Moines River, thence up the middle of the main channel of the said Des Moines River, to a point on said river where the Northern boundary line of the State of Missouri, as established by the constitution of that State, adopted June 12th, 1820, crosses the said middle of the main channel of the said Des Moines River, thence Westwardly along the said Northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri River, thence up the middle of the main channel of the said Missouri River to a point opposite the middle of the main channel of the Big Sioux River, according to Nicolle's Map; thence up the main channel of the said Big Sioux River, according to the said map, until it is intersected by the parallel of forty three degrees and thirty minutes North latitude; thence East along said parallel of forty three degrees and thirty minutes until said parallel intersects the middle of the main channel of the Mississippi River; thence down the middle of the main channel of said Mississippi River to the place of beginning.

Article I.
Bill of Rights

Section 1 All men are, by nature, free and equal, and have certain inalienable rights among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

Sec. 2 All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

Sec. 3 The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister or ministry.

Sec. 4 No religious test shall be required as a qualification for any office, or public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

Sec. 5. Any citizen of this State who may hereafter be engaged, either directly, or indirectly, in a duel, either as principal, or accessory before the fact, shall forever be disqualified from holding any office under the Constitution and laws of this State.

Sec. 6. All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any Citizen, or class of Citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.

Sec. 7. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appears to the jury that the matter charged as libellous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 8. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmations, particularly describing the place to be searched, and the persons and things to be seized.

Sec. 9. The right of trial by jury shall remain inviolate; but the General Assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

Sec. 10. In all criminal prosecutions, and in cases involving the life, or liberty of an individual the accused shall have a right to a speedy and public trial by an impartial jury, to be informed of the accusation against him, to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and, to have the assistance of counsel.

Sec. 11. All offences less than felony, and in which the punishment does not exceed a fine of One hundred dollars, or imprisonment for thirty days, shall be tried summarily, before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offence, unless on presentment or indictment, by a grand jury, except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

Sec. 12. No person shall, after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable, by sufficient sureties, except for capital offences where the proof is evident or the presumption great.

Sec. 13. The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion, or invasion the public safety may require it.

Sec. 14. The military shall be subordinate to the civil power. No standing army shall be kept up, by the State in time of peace; and, in time of war, no appropriation for a standing army shall be for a longer time than two years.

Sec. 15. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 16. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

Sec. 17. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

Sec. 18. Private property shall not be taken for public use without just compensation first being made, or secured to be made to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.

Sec. 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a mithe fine in time of peace.

Sec. 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives, and to petition for a redress of grievances.

Sec. 21. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

Sec. 22. Foreigners who are, or may hereafter become residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native born citizens.

Sec. 23. There shall be no slavery in this State, nor shall there be involuntary servitude, unless for the punishment of crime.

Sec. 24. No lease or grant of agricultural lands, reserving any rent, or service of any kind, shall be valid for a long or period than twenty years.

Sec. 25. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

Article II.

Right of Suffrage.

Section 1. Every white male citizen of the United States, of the age of twenty one years, who shall have been a resident of this State six months next preceding the election, and of the County in which he claims his vote sixty days, shall be entitled to vote at all elections which are now, or hereafter may be authorized by law.

Sec. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

Sec. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war, or public danger.

Sec. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place, or station within this State.

Sec. 5. No idiot, or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

Sec. 6. All elections by the people shall be by ballot.

Article III.
Of the Distribution of Powers.

Section 1. The powers of the government of Iowa shall be divided into three separate departments, the Legislative, the Executive, and the Judicial and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

Legislative Department.

Section 1. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives; and the style of every law shall be, "Be it enacted by the General Assembly of the State of Iowa".

Sec. 2. The sessions of the General Assembly shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members; unless the Governor of the State shall, in the mean time, convene the General Assembly by proclamation.

Sec. 3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the second Tuesday in October, except the years of the Presidential election, when the election shall be on the Tuesday next after the first Monday in November; and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.

Sec. 4. No person shall be a member of the House of Representatives, who shall not have attained the age of twenty-one years, be a free white male citizen of the United States, and shall have been an inhabitant of this State one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the County, or District he may have been chosen to represent.

Sec. 5. Senators shall be chosen for the term of four years, at the same time and place as Representatives; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.

Sec. 6. The number of Senators shall not be less than one-third, nor more than one-half the representative body, and shall be so classified by lot, that one class, being as near by one half as possible, shall be elected every two years. When the number of Senators is increased, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal, in number, as practicable.

Sec. 7. Each house shall choose its own officers, and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

Sec. 8. A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Sec. 9. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish

the same, determine its rules of proceedings, punish members for disorderly behavior, and, with the consent, of two thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the General Assembly of a free and independent State.

Sec. 10 Every member of the General Assembly shall have the liberty to dissent from, or protest against, any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

Sec. 11 Senators and Representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

Sec. 12 When vacancies occur in either house, the Governor or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies.

Sec. 13 The doors of each house shall be open, except on such occasions, as, in the opinion of the house, may require secrecy.

Sec. 14 Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that in which they may be sitting.

Sec. 15 Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the Speaker and President of their respective houses.

Sec. 16. Every bill which shall have passed the General Assembly, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon their journal, and proceed to re-consider it; if, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two thirds of the members of each house, it shall become a law; notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, Sunday excepted, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent such return. Any bill submitted to the Governor for his approval during the last three days of a session of the General Assembly, shall be deposited by him in the office of the Secretary of State, within thirty days after the adjournment, with his approval, if approved by him, and with his objections, if he disapproves thereof.

Sec. 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

Sec. 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every regular session of the General Assembly.

Sec. 19. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

Sec. 20. The Governor, Judges, of the Supreme and District Courts, and other State officers, shall be liable to impeachment, for any misdemeanor or malfeasance in office: but judgments, in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the General Assembly may provide.

Sec. 21. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

Sec. 22. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly: but officers in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

Sec. 23. No person who may hereafter be a collector or holder of public monies, shall have a seat in either House of the General Assembly, or be eligible to hold any office of trust or profit in this State, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

Sec. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Sec. 25. Each member of the first General Assembly under this Constitution, shall receive three dollars per diem while in session, and the further sum of three dollars for every twenty miles traveled, in going to and returning from the place where such session is held, by the nearest traveled route, after which they shall receive such compensation as shall be fixed by law, but no General Assembly shall have power to increase the compensation of its own members. And when convened in extra session they shall receive the same mileage and per diem compensation, as fixed by law for the regular session, and none other.

Sec. 26. No law of the General Assembly, passed at a regular session, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws passed at a special session, shall take effect ninety days after the adjournment of the General Assembly by which they were passed. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State.

Sec. 27. No divorce shall be granted by the General Assembly.

Sec. 28. No lottery shall be authorized by this State; nor shall the sale of lottery tickets be allowed.

Sec. 29. Every act shall embrace but one subject, and not two, properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Sec. 30. The General Assembly shall not pass local or special laws in the following cases:
For the assessment and collection of taxes for State, County or road purposes,
For laying out, opening, and working roads or highways,

For changing the names of prisons;
 For the incorporation of cities and towns;
 For vacating roads, town plats, streets, alleys, or public squares;
 For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State; and no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Sec. 31. No extra compensation shall be made to any officers, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local, or private purposes, unless such appropriations, compensation, or claims, be allowed by two-thirds of the members elected to each branch of the General Assembly.

Sec. 32. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation. "I do solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator, (or Representative, as the case may be,) according to the best of my ability." And members of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

Sec. 33. The General Assembly shall, in the years One thousand eight hundred and fifty nine, One thousand eight hundred and sixty three, One thousand eight hundred and sixty five, One thousand eight hundred and sixty seven, One thousand eight hundred and sixty nine, and One thousand eight

Hundred and seventy five, and every ten years thereafter, and an enumeration to be made of all the white inhabitants of the State.

Sec. 34. The number of senators shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties, according to the number of white inhabitants in each.

Sec. 35. The Senate shall not consist of more than fifty members, nor the House of Representatives of more than one hundred; and they shall be apportioned among the several counties and representative districts of the State, according to the number of white inhabitants in each, upon ratios to be fixed by law, but no representative district shall contain more than five organized townships, and each district shall be entitled to at least one representative. Every county and district which shall have a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one representative, and any county containing in addition to the ratio fixed by law, one half of that number, or more, shall be entitled to one additional representative. No future district shall hereafter be formed.

Sec. 36. At its first session under this Constitution, and at every subsequent regular session, the General Assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a representative.

Sec. 37. When a congressional, senatorial, or representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.

Sec. 38. In all elections by the General Assembly, the members thereof shall vote viva voce and the votes shall be entered on the journal.

Article IV. Executive Department

Section 1. The Supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa.

Sec. 2. The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.

Sec. 3. There shall be a Lieutenant Governor, who shall hold his office two years and be elected at the same time as the Governor. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor, and Lieutenant Governor, shall be sealed up and transmitted to the seat of government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

Sec. 4. The persons respectively having the highest number of votes for Governor and Lieutenant Governor, shall be declared duly elected, but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of said persons Governor, or Lieutenant Governor, as the case may be.

Sec. 5. Contested elections for Governor, or Lieutenant Governor, shall be determined by the General Assembly in such manner as may be prescribed by law.

Sec. 6. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have been a citizen of the United States,

and a resident of the State, two years next preceding the election, and attained the age of thirty years at the time of said election.

Sec. 7. The Governor shall be commander in chief of the militia, the army, and navy of this State.

Sec. 8. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Sec. 9. He shall take care that the laws are faithfully executed.

Sec. 10. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

Sec. 11. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

Sec. 12. He shall communicate, by message, to the General Assembly, at every regular session, the condition of the State, and recommend such matters as he shall deem expedient;

Sec. 13. In case of disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper, but no such adjournment shall be beyond the time fixed for the regular meeting of the next General Assembly.

Sec. 14. No person shall, while holding any office under the authority of the United States, or this State, execute the office of Governor, or Lieutenant Governor, except as hereinafter expressly provided.

Sec. 15. The official term of the Governor, and Lieutenant Governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The Lieutenant Governor, while acting as Governor, shall receive the same pay as provided for Governor; and while presiding in the Senate, shall receive as compensation therefor, the same mileage and double the *pro curia* pay provided for a Senator; and none other.

Sec. 16. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences except treason and cases of impeachment, subject to such regulations as may be prescribed by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reasons therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Sec. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

Sec. 18. The Lieutenant Governor shall be President of the Senate, but shall only vote when the Senate is equally divided; and in case of his absence, or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a President pro tempore.

Sec. 19. If the Lieutenant Governor, while acting as Governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the President pro tempore of the Senate shall act as Governor until the vacancy is filled, or the disability removed;

and if the President, of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

Sec. 20. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

Sec. 21. All grants and commissions shall be, in the name and by the authority of the people of the State of Iowa, sealed with the Great Seal of the State signed by the Governor, and countersigned by the Secretary of State.

Sec. 22. A Secretary of State, Auditor of State and Treasurer of State, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified, and perform such duties as may be required by law.

Article V.
Judicial Department.

Section 1. The Judicial power shall be vested in a Supreme Court, District Courts, and such other Courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish.

Sec. 2. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum to hold Court.

Sec. 3. The Judges of the Supreme Court shall be elected by the qualified electors of the State, and shall hold their Court at such time and place as the General Assembly may prescribe. The Judges of the Supreme Court so elected, shall be classified so that one Judge shall go out of office every two years; and the Judge, holding the shortest term of office under such classification, shall be Chief Justice of the Court, during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each Judge of the Supreme Court shall be six years, and until his successor shall have been elected and qualified. The Judges of the Supreme Court shall be ineligible to any other office in the State, during the term for which they shall have been elected.

Sec. 4. The Supreme Court shall have appellate jurisdiction only in cases in chancery, and shall constitute a Court for the correction of errors at law, under such restrictions as the General Assembly may, by law, prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior Judicial tribunals throughout the State.

Sec. 5. The District Court shall consist of a single Judge, who shall be elected by the qualified electors of the District in which he

resides. The Judge of the District Court shall hold his office for the term of four years, and until his successor shall have been elected and qualified, and shall be ineligible to any other office, except that of Judge of the Supreme Court, during the term for which he was elected.

Sec. 6. The District Court shall be a court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law.

Sec. 7. The Judges of the Supreme and District Courts shall be conservators of the peace throughout the State.

Sec. 8. The style of all process shall be, "The State of Iowa", and all prosecutions shall be conducted in the name and by the authority of the same.

Sec. 9. The salary of each Judge of the Supreme Court shall be two thousand dollars per annum, and that of each District Judge, one thousand six hundred dollars per annum, until the year Eighteen hundred and Sixty, after which time they shall severally receive such compensation as the General Assembly may, by law, prescribe, which compensation shall not be increased or diminished during the term for which they shall have been elected.

Sec. 10. The State shall be divided into seven Judicial Districts, and after the year Eighteen hundred and Sixty, the General Assembly may re-organize the Judicial Districts and increase or diminish the number of Districts, or the number of Judges of the said Courts, and may increase the number of Judges of the Supreme Court, but such increase or diminution shall not be more than one District, or one Judge of either Court, at any one session, and no re-organization of the districts, or diminution of the number of Judges, shall have the effect of removing a Judge from office. Such re-organization of the districts, or any change in the boundaries thereof, or increase or dimi-

motion of the number of Judges, shall take place every four years thereafter, if necessary, and at no other time.

Sec. 11. The Judges of the Supreme and District Courts shall be chosen at the general election, and the term of office of each Judge shall commence on the first day of January next, after his election.

Sec. 12. The General Assembly shall provide, by law, for the election of an Attorney General by the people, whose term of office shall be two years and until his successor shall have been elected and qualified.

Sec. 13. The qualified electors of each judicial district shall, at the time of the election of District Judge, elect a District Attorney, who shall be a resident of the district for which he is elected, and who shall hold his office for the term of four years, and until his successor shall have been elected and qualified.

Sec. 14. It shall be the duty of the General Assembly to provide for the carrying into effect of these articles, and to provide for a general system of practice in all the Courts of this State.

Article VI.Militia.

Section 1. The militia of this State shall be composed of all able-bodied white male citizens between the ages of eighteen and forty years, except such as, now or may hereafter be exempt by the laws of the United States, or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law.

Sec 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace: Provided, that such person or persons, shall pay an equivalent for such exemption in the same manner as other citizens.

Sec 3. All commissioned officers of the militia, (staff officers excepted,) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.

Article VII. State Debts.

Section 1. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the State.

Sec. 2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to paying the debts so contracted, and to no other purpose whatever.

Sec. 3. All losses to the permanent, School, or University funds of this State, which shall have been occasioned by the defalcation, mismanagement, or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State, in favor of the respective funds, sustaining the loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

Sec. 4. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to paying such debts, and to no other purpose whatever.

Sec. 5. Except the debts herein before specified in this article, no debt shall be hereafter contracted by, or on behalf of this State, unless such debt

shall be authorized by some law for some single work or object, to be distinctly specified therein, and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election, and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one news paper in each County, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.

Sec. 6.—The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may, at any time, forbid the contracting of any further debt, or liability, under such law; but the tax imposed by such laws in proportion to the debt or liability, which may have been contracted in pursuance thereof, shall remain in force and be irrevocable, and be annually collected, until the principal and interest are fully paid.

Sec. 7. Every law which imposes, continues, or revises a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient, to refer to any other law to fix such tax or object.

Article VIII.

Corporations.

Section 1. No corporation shall be created by special laws; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

Sec. 2. The property of all corporations for pecuniary profit, shall be subject to taxation, the same as that of individuals.

Sec. 3. The State shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war for the benefit of the State.

Sec. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

Sec. 5. No act of the General Assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto shall take effect, or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

Sec. 6. Subject to the provisions of the foregoing section, the General Assembly may also provide for the establishment of a State Bank with branches.

Sec. 7. If a State Bank be established, it shall be founded on a mutual basis, and the branches shall be mutually responsible for each others liabilities upon all notes, bills, and other forms intended for circulation as money.

Sec. 8. If a general Banking law shall be enacted, it shall provide

For the registry and countersigning, by an officer of State, of all bills, or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States stocks, or in interest paying stocks of States in good credit and standing, to be rated at ten per cent below their average value in the City of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of said stocks, to the amount of ten per cent on the dollar, the bank or banks owning such stock shall be required to make up said deficiency by depositing additional stocks; and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer, and to whom.

Sec. 9. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective share, so long as he or she remains such stockholder.

Sec. 10. In case of the insolvency of any banking institution, the bill-holders shall have a preference over its other creditors.

Sec. 11. The suspension of specie payments by banking institutions shall never be permitted or sanctioned.

Sec. 12. Subject to the provisions of this article, the General Assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two thirds of each branch of the General Assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

Article IX.
Education and School Lands

§1. Education.

Section 1. The educational interest, of the State, including Common Schools and other educational institutions, shall be under the management, of a Board of Education, which shall consist of the Lieutenant-Governor, who shall be the presiding officer of the Board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the State.

Sec. 2. A person shall be eligible as a member of said Board who shall not have attained the age of twenty five years, and shall have been one year a citizen of the State.

Sec. 3. One member of said Board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this Constitution, the Board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years; and one half of the Board shall be chosen every two years thereafter.

Sec. 4. The first session of the Board of Education shall be held at the Seat of Government on the first Monday of December after their election; after which the General Assembly may fix the time and place of meeting.

Sec. 5. The session of the Board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the recommendation of two thirds of the Board, the Governor may order a special session.

Sec. 6. The Board of Education shall appoint a Secretary, who shall be the executive officer of the Board, and perform such duties

as may be imposed upon him by the Board, and the laws of the State. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the General Assembly.

Sec. 7. All rules and regulations made by the Board shall be published and distributed to the several Counties, Townships, and School Districts, as may be provided for by the Board, and when so made, published and distributed, they shall have the force and effect of law.

Sec. 8. The Board of Education shall have full power and authority to legislate and make all useful rules and regulations in relation to Common Schools, and other educational institutions, that are instituted, to receive aid from the School or University fund of this State; but all acts, rules, and regulations of said Board may be altered, amended or repealed by the General Assembly; and when so altered, amended, or repealed they shall not be re-enacted by the Board of Education.

Sec. 9. The Governor of the State shall be, *ex officio*, a member of said Board.

Sec. 10. The Board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the General Assembly.

Sec. 11. The State University shall be established at one place without branches at any other place, and the University fund shall be applied to that Institution, and no other.

Sec. 12. The Board of Education shall provide for the education of all the youth of the State, through a system of Common Schools and such school shall be organized and kept in each school district at least three months in each year. Any district failing for two consecutive years, to organize and keep up a school as aforesaid may be deprived of their portion of the school fund.

Sec. 13. The members of the Board of Education shall each receive the same per diem during the time of their session, and mileage going to and returning therefrom, as members of the General Assembly.

Sec. 14. A majority of the Board shall constitute a quorum for the transaction of business; but no rule, regulation, or law for the government of Common Schools or other educational institutions, shall pass without the concurrence of a majority of all the members of the Board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the Board shall be, "Be it enacted by the Board of Education of the State of Iowa."

Sec. 15. At any time after the year One thousand eight hundred and sixty three, the General Assembly shall have power to abolish or reorganize said Board of Education, and provide for the educational interest of the State in any other manner that to them shall seem best and proper.

Ind. School Funds, and School Lands.

Section 1. The educational and school funds and lands, shall be under the control and management of the General Assembly of this State.

Sec. 2. The University lands, and the proceeds thereof, and all monies belonging to said fund shall be a permanent fund for the sole use of the State University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.

Sec. 3. The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which may have been, or shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved in the year of our Lord one

Thousand eight hundred and forty one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as has been or may hereafter be granted by Congress, on the sale of lands in this State, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the General Assembly may provide, shall be invariably appropriated to the support of Common schools throughout the State.

Sec. 4. The money which may have been or shall be paid by persons as an equivalent for exemption from military duty, and the proceeds of all fines collected in the several Counties for any breach of the penal laws, shall be exclusively applied, in the several Counties in which such money is paid, or fine collected, among the several school districts of said Counties, in proportion to the number of youths subject to enumeration in such districts, to the support of common schools, or the establishment of libraries, as the Board of Education shall, from time to time provide.

Sec. 5. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be received, or granted by the United States, or any person or persons to this State, for the use of the University, and the funds arising from the sale or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said University, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant; and it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement, and permanent security of the funds of said University.

Sec. 6. The financial agents of the school funds shall be the same, that by law, receive and control the State and county revenues for the civil purposes, under such regulations as may be provided by law.

Sec. 7. The money subject to the support and maintenance of common schools

shall be distributed to the districts in proportion to the number of youths, between the ages of five and twenty-one years, in such manner as may be provided by the General Assembly.

Article X.

Amendments to the Constitution.

Sec. 1. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time, as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this State.

Sec. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Sec. 3. At the general election to be held in the year one thousand eight hundred and twenty; and in each tenth year thereafter, and also at such times as the General Assembly may, by law, provide, the question, "Shall there be a Convention to revise the Constitution, and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a Convention for such purpose, the General Assembly, at its next session, shall provide, by law for the election of delegates to such Convention.

Article XI.

Miscellaneous.

Sec. 1. The jurisdiction of Justices of the Peace shall extend to all civil cases, (except cases in chancery, and cases where the question of title to real estate may arise,) when the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

Sec. 2. No new County shall be hereafter created containing less than five hundred and thirty six square miles; nor shall the territory of any organized county be reduced below that area, except the County of Worth, and the counties west of it, along the northern boundary of this State, may be organized without additional territory.

Sec. 3. No county, or other political or municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount, in the aggregate, exceeding five per centum on the value of the taxable property within such county or corporation—to be ascertained by the last State and county tax lists, previous to the incurring of such indebtedness.

Sec. 4. The boundaries of the State may be enlarged, with the consent of Congress and the General Assembly.

Sec. 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

Sec. 6. In all cases of elections to fill vacancies in office, occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office, shall hold until the next general election, and until their successors are elected and qualified.

Sec. 7. The General Assembly shall not locate any of the public lands, which have been, or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant, so exempted, shall not exceed three hundred and twenty acres.

Sec. 8. The seat of Government is hereby permanently established, as now fixed by law, at the City of Des Moines, in the County of Polk; and the State University, at Iowa City, in the County of Johnson.

Article XII.

Schedule.

Section 1. This Constitution shall be the supreme law of the State, and any law inconsistent therewith, shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.

Sec. 2. All laws now in force and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

Sec. 3. All indictments, prosecutions, suits, pleas, plaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several courts, in the same manner as now provided by law; and all offenses, misdemeanors, and crimes that may have been committed before the taking effect of this Constitution, shall be subject to indictment, trial and punishment, in the same manner as they would have been, had not this Constitution been made.

Sec. 4. All fines, penalties, or forfeitures due, or to become due or accruing to the State, or to any County therein, or to the school fund, shall inure to the State, county, or school fund, in the manner prescribed by law.

Sec. 5. All bonds executed to the State, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

Sec. 6. The first election under this Constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty seven, at which time the electors of the State shall elect the Governor and Lieutenant Governor. There shall also be elected at such election the successors of such State Senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the House of Representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the General Assembly which commenced on the first Monday of December One thousand eight hundred and

Sec. 7 The first election for Secretary, Auditor, and Treasurer of State, Attorney General, District Judges, Members of the Board of Education, District Attorneys, members of Congress and such State officers as shall be elected at the April election, in the year One thousand eight hundred and fifty seven, (except the Superintendent of Public Instruction) and such county officers as were elected at the August election, in the year One thousand eight hundred and fifty six, except Prosecuting Attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight: Provided, That the term for which any District Judge or other State or County officer elected at the April election in the year One thousand eight hundred and fifty eight, shall not extend beyond the time provided for filling like offices at the October election in the year one thousand eight hundred and fifty eight,

Sec. 8 The first election for Judges of the Supreme Court, and such County officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year One thousand eight hundred and fifty-eight.

Sec. 9 The first regular session of the General Assembly shall be held in the year One thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

Sec. 10 Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty seven, at which time their successors shall be elected as may be provided by law.

Sec. 11 Every person elected by popular vote, by vote of the General Assembly, or who may hold office by executive appointment, which office is continued by this Constitution, and every person who shall be so elected or appointed, to any such office, before the taking effect of this Constitution, (except as in this Constitution otherwise provided) shall continue in office until the term for which such person has been or may be elected or appointed shall expire: but no such person shall continue

in office after the taking effect of this Constitution, for a longer period than the term of such office, in this Constitution presented.

Sec. 12. The General Assembly, at the first session under this Constitution, shall district the State into eleven Judicial Districts, for District Court purposes, and shall also provide for the apportionment of the members of the General Assembly, in accordance with the provisions of this Constitution.

Sec. 13. This Constitution shall be submitted to the electors of this State at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this State. The ballots at such election shall be written or printed as follows: Those in favor of the Constitution, "New Constitution—Yes." Those against the Constitution, "New Constitution—No." The election shall be conducted in the same manner as the general elections of the State, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and all returns shall be forwarded to the Secretary of State, which all returns shall be canvassed in the manner provided for the canvass of State officers. And if it shall appear that a majority of all the votes cast at such election for and against this Constitution are in favor of the same, the Governor shall immediately issue his proclamation stating that fact, and such Constitution shall be the Constitution of the State of Iowa, and shall take effect from and after the publication of said proclamation.

Sec. 14. At the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "White" from the article on the Right of Suffrage, shall be separately submitted to the electors of this State for adoption or rejection in manner following—Namely:

A separate ballot may be given by every person having a right to vote at said election, to be deposited in a separate box, and those given for the adoption of such proposition shall have the words, "Shall the word 'White' be stricken out of the Article on the Right of Suffrage? Yes." And those given against the proposition shall have the words, "Shall the word 'White' be stricken out of the Article on the

Right of Suffrage? No. 7. And if at said election the number of ballots cast in favor of said proposition shall be equal to a majority of those cast for and against the Constitution, then said words "White" shall be stricken from said Article and be in part thereof;

Sec. 15. Until otherwise directed by law, the County of Mills shall be in and a part of the sixth Judicial District of this State.

We in Convention at Iowa City, this fifth day of March in the year of our Lord One thousand eight hundred and fifty seven, and of the Independence of the United States of America, the eighty first,

In testimony whereof we have hereunto subscribed our names,

Timothy Day

S. S. Winchester

David Brinker

D. T. Palmer

Geo. W. Ellis

J. C. Hall

John S. P. King

W. A. Mason

W. W. Gray

Robt. Gowers

H. L. Gibson

Thomas - self

J. H. Mason

J. H. Emerson

R. L. B. Clarke

James Gary

D. H. Holman

M. A. Sanders, Secretary

E. H. Bates, Asst. Secretary

W. W. Robinson

Lewis Goddard

John Edwards

W. C. Fair

Wm. F. Wilson

Amos Harris

Geo. F. Clark

J. Ayer

Henry J. Smith

J. V. Parvin

W. Penn. Clarke

Jermual Hollingworth

Wm. Patterson

M. Rice

Alpheus Scott

George Gillaspay

Edmund Johnstone

Aylett Blotton

Francis Springer, President

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